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09/833,664	04/13/2001	Hisayoshi Usui	WN-2333	1731

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EXAMINER	
NGUYEN, LEE	
ART UNIT	**PAPER NUMBER**
2682	9

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/833,664	Applicant(s) USUI, HISAYOSHI	
	Examiner LEE NGUYEN	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-24 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4-6, 8.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The IDS filed 7/17/2001, 7/27/2001, 8/15/2001 and 3/14/2003 have been considered and recorded in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 13, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 9-12, 14, 16-18, and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Akane (JP 2000-092700 submitted by Applicant).

Regarding claim 1, Akane teaches a mobile communication device 101 (figs 1-2) comprising a first wireless section 124 which carries out indirect radio communication 104 and which is operable as a portable telephone, a second wireless section 123 which carries out direct data communication, and a control section 121 for carrying out communication control operation of both the first and the second wireless sections, wherein the control section comprises: producing means for producing a power control signal indicative of intermittently operating the second wireless

section, see [0035]-[0041]; the second wireless section comprising a power source which is intermittently put into an on-state in response to the power control signal, see [0039].

Regarding claim 2, Akane also teaches that the first wireless section has a power source controllable by the control section; both power sources of the first and the second wireless sections being controlled individually and independently of each other by the control section, see [0055].

Regarding claim 3, Akane also teaches that the first wireless section has a power source controllable by the control section; both power sources of the first and the second wireless sections being controlled by the control section on the basis of a predetermined condition, see [0055].

Regarding claim 4, Akane further teaches that the predetermined condition is that the power source of the second wireless section is intermittently and continuously turned on, while the first wireless section is in a waiting state and in a busy state, respectively, see [0044], [0045].

Regarding claim 5, Akane also teaches that the first wireless section being changed between a waiting state and a busy state, wherein the predetermined condition is that the power source of the second wireless section is intermittently turned on only during the waiting state in

synchronism with the change between the waiting and the busy state, see [0044]-[0045].

Regarding claim 6, Akane further teaches that the control section supplies the second wireless section with the power control signal to intermittently put the second wireless section into an on-state and an off-state, so that the off-state becomes long when no reception state lasts for a predetermined duration, see [0045].

Regarding claims 9-10, Akane further teaches that the power source of the second wireless section is put into an off-state normally and is turned into an on-state only while data transmission/reception is being executed through the second wireless section and that the power source of the second wireless section is put into the on-state only when data to be received/transmitted arrives at the second wireless section during the intermittent power supply, see [0055].

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 1 in which Akane inherently teaches transmitting a data transmission request to receive data sent from the

external device in response to the data transmission request (fig. 1, 103 is a computer, [0026], therefore, the second wireless section 123 must transmit a data transmission request to receive data sent from the external device 103 in response to the data transmission request .

Regarding claim 14, Akane also teaches that the external device has a display monitor for displaying the data sent from the second wireless section of the mobile communication device, see numeral 103, fig. 1.

Regarding claims 16-17, Akane inherently teaches that the mobile communication device has a reproducing unit for reproducing the data sent from the external device and received through the second wireless section and that the reproducing unit has data has a display unit/a loudspeaker for reproducing the data (fig. 1, numeral 101 can be a PDC or PHS, see [0029], therefore, it should have a display unit/a loudspeaker).

Regarding claim 18, Akane also teaches that the external device is a computer (103, fig. 1).

Regarding claim 20, Akane teaches a mobile communication device having a portable telephone main block 101 (figs. 1-2) and a terminal portion 102-103 which is mechanically separated from the portable telephone main block and which carries out short range wireless data communication with the portable telephone main block, see [0030].

Regarding claim 21, Akane also teaches that the portable telephone main block has a first antenna 124 for radio communication and a second antenna 123 for the short range wireless data communication with the terminal portion, see [0030].

Regarding claim 22, Akane also teaches that the portable telephone main block comprises a first wireless section 124 coupled to the first antenna, a second wireless section 123 coupled to the second antenna, and a first control section 121 coupled to the first and the second wireless sections.

Regarding claim 23, Akane also teaches that the first and the second wireless portions have first and second power sources, respectively; the control section intermittently putting the second power source into an on-

state, see [0035]-[0041].

Regarding claim 24, Akane inherently teaches that the terminal portion has a keyboard, a display monitor, a second control section coupled to the keyboard and the display monitor, and a third wireless section 102 for carrying out short range wireless data communication with the portable telephone main block (computer, fig. 1, and [0026]).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akane in view of Goerke (US 6,122,524).

Regarding claims 7-8, Akane fails to teach that the first and the second wireless sections have individual power sources; the mobile communication device having a manipulation board which has first and

second power switches for individually putting each power source of the first and the second wireless sections into the on-state and the off-state, and that the power source of the second wireless section is put into the on-state when the second power switch is turned on, even if the first power switch of the first wireless section is put into the off-state. In contrast, Goerke teaches that the mobile device 1 (fig. 1) comprises a plurality of buttons 13 directed to different modes of operation as shown in which only one service mode is selected at one time (col. 3, lines 9-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a plurality of buttons of Goerke into the mobile device of Akane in order to allow the user to easily activate a desire mode of operation.

9. Claims 13, 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akane

Regarding claim 13, Akane also teaches that the data received/transmitted includes data (computer), digital camera (image) and video, etc, see [0025]. Akane does not explicitly teach voice, melody, and

directory number. However, as discussed above, different kind of voice/data can also be included in the system of Akane. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include voice and different data as claimed into the system of Akane in order to enhance multi-media communication.

Regarding claim 15, Akane fails to explicitly teach that the external device has an audio unit for reproducing the data sent from the second wireless section of the mobile communication device. It is taken official notice that a lab top computer that include audio unit is conventionally well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include audio unit into the external device of Akane in order to provide audio output to the users.

Regarding claim 19, Akane fails to teach that the external device is a GPS device. However, as stated supra, Akane teaches that the data received/transmitted includes data (computer), digital camera (image) and video, etc, see [0025]. Therefore, it could also be a GPS receiver. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include the GPS unit into the external device of Akane in order to provide current locations to the users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/27/04

LEE NGUYEN
Primary Examiner
Art Unit 2682